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WORTHINGTON

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LINCOLN GENERAL
INSURANCE COMPANY,

Plaintiff,

v.

RYAN MERCALDO LLP; RYAN
MERCALDO & WORTHINGTON,
LLP; and BRIAN P.
WORTHINGTON,

Defendants.

Case No. 3:13-cv-2192 W (DHB)

**NOTICE OF MOTION AND MOTION
TO DISMISS**

[No Oral Argument Pursuant to Local Rule]

Date: March 10, 2014
Courtroom: 3C
Judge: Hon. Thomas J. Whelan
Magistrate Judge: Hon. David H. Bartick
Complaint Filed: September 13, 2013
Trial Date: None set

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Please take notice that on March 10, 2014, Defendants RYAN CARVALHO & WHITE, LLP (F/K/A RYAN MERCALDO LLP, F/K/A RYAN MERCALDO & WORTHINGTON, LLP) and BRIAN P. WORTHINGTON ("Attorney Defendants") will and hereby move this Court to dismiss the First Amended Complaint, without leave to amend, pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6), on the grounds that this action is time-barred pursuant to California Code of Civil Procedure section 340.6. Pursuant to local rules, there is no oral argument in open court.

1 This motion will be based upon this Notice of Motion, the Memorandum of
2 Points and Authorities, the Request for Judicial Notice, the Declaration of Daniel
3 S. Agle and exhibits thereto, and all pleadings and papers filed in this action.
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5 KLINEDINST PC
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7 DATED: Februarv 6. 2014

8 Bv: s/ Daniel S. Agle

9 Daniel S. Agle
10 Attorneys for Defendants
11 RYAN CARVALHO & WHITE, LLP
12 (F/K/A RYAN MERCALDO LLP,
13 F/K/A RYAN MERCALDO &
14 WORTHINGTON, LLP) and BRIAN
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